



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**  
**DIRECTOR'S REVIEW PROGRAM**  
*521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911*  
*(360) 664-0388 · FAX (360) 586-4694*

October 30, 2012

TO: Rich Groff, Teamsters

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Elaine Downey v. Department of Corrections (DOC)  
Allocation Review Request ALLO-12-011

On August 23, 2012, I conducted a Director's review telephone conference regarding the allocation of Elaine Downey's position. You and Ms. Downey were both present during the Director's review conference. Nicole Baker, Human Resources Consultant, represented DOC, and Sarah Conly, Human Resources Consultant, observed the conference.

**Director's Determination**

This position review was based on the work performed for at least the six-month period prior to October 14, 2011, the date Ms. Downey submitted her request for a position review to Cedar Creek Correction Center's (CCCC's) Human Resource (HR) Office. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Downey's assigned duties and responsibilities, I conclude her position is properly allocated to the Correctional Records Supervisor classification.

**Background**

On October 14, 2011, Ms. Downey submitted a Position Review Request form (PRR) to CCCC's HR Office asking that her Correctional Records Supervisor position be reallocated to the Records Management Supervisor classification. On December 13, 2011, HR Consultant Shirley Morstad conducted a phone interview with Ms. Downey to gain

clarification about her duties, and Ms. Morstad also spoke with Ms. Downey's supervisor, Correctional Program Manager Charlie Washburn and Statewide Records Manager Carrie Fleming. On January 31, 2012, Ms. Morstad denied Ms. Downey's request for reallocation. Ms. Morstad concluded the primary focus and majority of duties assigned to Ms. Downey's position involved managing the correctional records office at CCCC. As a result, she determined Ms. Downey's position was properly allocated as a Correctional Records Supervisor (Exhibit A-2).

On February 15, 2012, Ms. Downey requested a Director's review of DOC's allocation determination (Exhibit A-1).

### **Summary of Ms. Downey's Perspective**

Ms. Downey contends that every Records Supervisor position located in a DOC facility requires the same knowledge and level of responsibility. However, she states that other Records Supervisors located in other facilities have been reallocated to the Records Management Supervisor classification. Ms. Downey contends that regardless of the number of offenders assigned to a facility, the offender records process and chain of command is the same. Ms. Downey emphasizes that she is a working supervisor who also carries a caseload in addition to managing CCCC's records office. Further, she states there are complexities with a camp facility and that her position carries the liability for legal release of offenders from prison. Ms. Downey contends she performs the same duties with the same risk potential as other Records Managers. Ms. Downey asserts the reallocation of some positions but not others creates unfair and inequitable treatment, and she believes her position should be reallocated to the Records Management Supervisor job class to reflect her duties and level of responsibility as well.

### **Summary of DOC's Reasoning**

DOC recognizes Ms. Downey as a highly competent Records Manager for CCCC and understands she has tremendous responsibility to ensure offender records and releases from the facility are handled according to policies and procedures and that offenders do not serve more or less time than required. DOC further acknowledges the overall job tasks and reporting relationships for Records Manager positions are similar for each facility. However, DOC contends the Records Management Supervisor positions at larger institutions have responsibility for more than one records office, which operate like two separate facilities with separate staff. As a result, DOC contends these positions have greater complexity and supervisor span of control, which impact decision making. DOC asserts there is an increased complexity and overall liability in processing higher volumes of records with multiple security levels. With respect to Ms. Downey's position, DOC contends the duties and responsibilities assigned to her position are entirely encompassed in the Correctional Records Supervisor job class.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement

of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### Duties and Responsibilities

The purpose of Ms. Downey's position, as stated on the PRR, includes responsibility for the following (Exhibit B-1):

- Records management and supervision of the Records Unit (at CCCC).
- Entering, auditing, and interpreting on behalf of the agency, the legal documents that hold offenders within DOC facilities and/or other jurisdiction supervision.
- Charged with being in compliance with state and federal laws, superior court sanctions, and agency policies.

Ms. Downey's position reports directly to a Correctional Program Manager and supervises a Corrections Records Technician 1 and Office Assistant 3.

The following summarizes the primary duties and responsibilities assigned to Ms. Downey's position followed by specific tasks identified on both the PRR and PDF (Exhibits B-1 and B-2):

**40% Manage and provide supervisory direction, relating to operational effectiveness of correctional records office.**

Direct activities of personnel engaged in the application, analysis, specification development of sentence structure, disposition of records, establishment and maintenance of filing system.

Train, assign duties, coordinate, supervise, and evaluate office staff. Resolve staff issues, recognize employees and counsel employees in work-related activities and career development. Plan, lead, organize, control and review all work performed by the record staff.

Maintain office budget and order supplies and equipment.

Create forms as needed concerning the records and identification operation.

Serve as Terminal ACCESS Coordinator for the Washington State Patrol to ensure proper use of the teletype according to federal and state statutes and ensure staff receive training certification, and recertification within the timeframes.

Serve as Logon ID Coordinator for the facility to determine and request computer access for employees as needed.

Serve as Notary Public for facility and serve legal documents on offenders.

Interpret court decisions, RCWs, and Indeterminate Sentence Review Board redeterminations to properly compute or re-compute release dates for offenders.

Train staff on use of offender database systems, application of public discourse laws, criminal history record information laws.

Implement operational adjustments within the correctional records office resulting from changes to law, court decisions, and administrative regulations.

Provide support to agency administrators in response to legislative impacts.

Advise management and staff concerning implementation of new, existing, and previous laws that result in programming change and requirements.

Troubleshoot and problem-solve the use of offender database systems.

*During the Director's review conference, Ms. Downey highlighted the importance of the following section and indicated these duties require a significant portion of her time and more than 25%.*

**25% Review and verify offender sentence structure and criminal history information.**

Enter, audit, and/or interpret on behalf of the agency, the legal documents that hold the offenders within DOC facilities.

Establish and validate agency jurisdiction of offenders.

Complete timely Victim Witness notification procedures for offender releases and transfers to work release facilities, death bed visits, and funeral trips.

Determine the supervision status of offenders being released to determine reporting obligations.

Notify State Patrol, Sheriff and local Police of offender releases.

Verify identification of offenders to law enforcement through pictures, fingerprints, and other physical data.

Audit all offender files for accuracy and approve all releases (liability for legal release of offenders) and audit database information to resolve sentence computation problems.

Review and verify accuracy of legal documents relating to convictions and sentencing and maintain technical knowledge of RCWs, WACs, and DOC policies.

Screen, photograph, and process all incoming and departing offenders.

Verify and audit database information and offender records against source documents in accordance with new laws and court decisions.

Oversee all parole, work release transfers, court orders, escape procedures and apprehensions.

**20% Maintain electronic and physical files.**

Use, update, and maintain offender database programs to retrieve information about offenders' convictions and maintain confidentiality of records.

Perform inventory, retention, disposition, and archiving of offender records according to established procedures.

Develop, implement, and administer an integrated records management program for facility.

Retrieve documents for facility gathering criminal history records from national, state, and local criminal justice agencies.

Make identification badges for all staff, offenders, volunteers and contract staff.

**15% Provide effective communication and thorough and timely request processing.**

Respond to requests for public disclosure.

Testify in court as an expert witness regarding validity of offender records.

Write clearly and factually to maintain accuracy of records.

Perform extensive research and analysis of facts to resolve complex and critical issues.

Write, review, and provide input into institution policies.

Communicate and visit other Records Supervisors to develop uniform standards.

Provide direct support and guidance to caseload carrying staff and carry caseload of approximately 240 inmates.

Correspond with court or other legal staff regarding sentence discrepancies.

Responsible for control and release of confidential criminal history data.

Maintain contact with immigration and Customs Enforcement officials regarding possible illegal aliens or offenders with detainees.

Visit other prisons to teach them management operations for their records offices.

Serve as the subject matter expert in offender and statewide court database information systems.

Ms. Downey's supervisor agrees the descriptions on the PRR are accurate and complete, and the PDF contains similar descriptions of duties and responsibilities.

### Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The **Records Management Supervisor** definition states that the position "[d]evelops, implements, and administers a totally integrated records management program in a large agency."

The Records Management Supervisor typical work statements include the following:

- Directs activities of personnel engaged in the design, analysis, specification development and acquisition of all forms and graphics; disposition of records; establishment and maintenance of filing systems;
- Serves as departmental records officer administering all activities involving the inventory, retention and disposition of records in conjunction with the State Records Committee and the State Archives;
- Plans and coordinates the development of a uniform system of filing and document retrieval for the Department;
- Participates in paperwork management planning programs with appropriate departmental and other Washington State personnel;
- Develops policy and procedures relative to the ordering, production, and stocking of forms;
- Visits institutions to acquaint staff with forms and records management program;

- Establishes committees within Department to achieve maximum efficiency in forms and records management programs.

Ms. Downey's position is assigned to CCCC, an offender work camp facility. While there are aspects of her job that fit within the Records Management Supervisor job classification, her overall assignment of work and scope of responsibility align with the Correctional Records Supervisor classification, and her duties are specifically included within that job specification.

The **Correctional Records Supervisor** definition states that the position "[m]anages a correctional records office and supervises at least one Correctional Records Technician 1 or 2.

Ms. Downey's position fits this definition. She supervises a Corrections Records Technician 1 and an Office Assistant 3 in CCCC's correctional records office. Therefore, the work assigned to her position fits the Correctional Records Supervisor definition.

In addition, the Correctional Records Supervisor typical work statements that closely align with the duties and responsibilities of Ms. Downey's position include the following:

- Interprets Supreme, Appellate, and Superior Court decisions, RCWs and Indeterminate Sentencing Review Board Redeterminations to properly compute/recompute release date for offenders;
- Trains staff on use of offender database systems; application of Public Disclosure laws (RCW 42.17), Criminal History Record Information laws (RCW 10.97), and implementation/revision of operational responsibilities resulting from changes in law, court decisions, administrative regulations, departmental policy, etc.;
- Determines the legal service/financial obligations prior to release from institution or a work/training release facility;
- Reviews and verifies all pertinent documents relative to the offender's sentence in order to prepare release documents (e.g., Notification of Release);
- Verifies Offender Based Tracking System information against source documents and resolves problems that relate to sentence computations;
- Testifies in court as expert witness regarding the validity of offender records and identity;
- Certifies, for the department, sentence reduction credits to the sentencing court and/or the Indeterminate Sentencing Review Board;
- Takes fingerprints and photographs; assigns offenders DOC numbers.

Ms. Downey's duties and responsibilities are further supported by the typical work examples described above.

Although I considered Ms. Downey's points about the allocations of the other Records Manager positions to the Records Management Supervisor class, the Personnel Resources Board (PRB) has consistently held the following:

While a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Byrnes v. Dept. of Corrections, PRB No. R-ALLO-06-005 (2006), citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Further, the Board has concluded "most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities." Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Finally, the PRB addressed the concept of allocation to a specific rather than a general classification in Waldher, Firouzi, Makari, and Korndorfer v. DOT, PRB Nos. R-ALLO-08-026, R-ALLO-09-005, R-ALLO-09-006, and R-ALLO-09-09, concurring with prior Board decisions as follows:

When there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

While one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008).

It is not intended for a more generic classification to be used to allocate a position where the duties and responsibilities of the position are more precisely described by a more specific classification. Cerna v. Employment Security Dept., PAB No. ALLO-03-0014 (2003) and Nance v. Eastern Washington University, PAB No. 3769-A2 (1995).



It is clear Ms. Downey's work is highly valued by the department. A position's allocation does not diminish the quality of work performed and is not a reflection of performance. Rather, an allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classes. Based on her overall duties and responsibilities, Ms. Downey's position specifically fits the Correctional Records Supervisor definition and is further supported by the typical work examples. Therefore, her position is properly allocated to the Correctional Records Supervisor classification.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

**If either party plans to hand-deliver an appeal to the PRB, please call the main number for details.** The PRB Office is currently located at 521 Capitol Way South, Olympia.

However, on or around **November 26, 2012, PRB staff will move to a new location in the Insurance Building on the Capitol Campus, 302 – 14<sup>th</sup> Avenue S.W., 4<sup>th</sup> Floor, Olympia, Washington. If faxed, please verify your appeal has been received by calling 360-664-0388.**

If no further action is taken, the Director's determination becomes final.

c: Elaine Downey  
Nicole Baker, DOC  
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

**ELAINE DOWNEY v. DOC**  
**ALLO-12-011**

**A. Elaine Downey Exhibits**

1. February 14, 2012 letter requesting Director's review (1 page)
2. DOC allocation determination letter January 31, 2012 (page 1-5)
3. March 16, 2012 letter from Elaine Downey outlining her argument (1 page)
4. 2010 Records Management Supervisor PDF for WSP (page 1-7)  
(Informational)
5. 2010 Records Management Supervisor PDF for MCC (page 1-8)  
(Informational)

**B. DOC Exhibits**

1. Position Review Request signed by incumbent and supervisor Nov. 16, 2011  
(page 1-9)
2. PDF submitted for reallocation October 14, 2011 (page 1-8)
3. Current PDF October 2006 (page 1-8)
4. CCCC Organizational Chart
5. Desk audit notes of interview with Elaine Downey December 2011 (page 1-5)
6. Notes of interview with Statewide Records Manager Carrie Fleming
7. Notes of interview with supervisor, Charlie Washburn
8. Correctional Records Supervisor classification specification
9. Records Management Supervisor classification specification